

AMENDED IN SENATE MAY 29, 2012

SENATE BILL

No. 1568

Introduced by Senator DeSaulnier

February 24, 2012

An act to amend Section 48853.5 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1568, as amended, DeSaulnier. Pupils: foster children.

(1) Existing law requires a local educational agency serving a foster child to allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court over the child. Existing law requires the local educational agency to allow a foster child to continue in the school of origin through the duration of the academic school year if the jurisdiction of the court is terminated before the end of the school year. ~~Existing law requires the local educational agency to allow a foster child to continue in the school district of origin in the same attendance area if the child is transitioning between school grade levels or to continue in the high school or middle school designated for matriculation in another school district if the child is transitioning to a middle or high school and the school designated for matriculation is in another school district.~~

This bill would impose a state-mandated local program by requiring a local educational agency to allow a former foster child *who is in high school* to continue his or her education in the school of origin through ~~the end of the highest grade maintained at that school graduation~~ if the jurisdiction of the court is terminated ~~and applying to former foster children the provisions described above relating to foster children~~

~~transitioning between school grade levels. The bill would also make various clarifying and nonsubstantive changes.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48853.5 of the Education Code is amended
2 to read:

3 48853.5. (a) This section applies to a *foster* child. A “*foster*
4 *child*” means a child who has been removed from his or her home
5 pursuant to Section 309 of the Welfare and Institutions Code, is
6 the subject of a petition filed under Section 300 or 602 of the
7 Welfare and Institutions Code, or has been removed from his or
8 her home and is the subject of a petition filed under Section 300
9 or 602 of the Welfare and Institutions Code ~~(hereafter “foster~~
10 ~~child”)~~.

11 (b) Each local educational agency shall designate a staff person
12 as the educational liaison for foster children. In a school district
13 that operates a foster children services program pursuant to Chapter
14 11.3 (commencing with Section 42920) of Part 24 of *Division 3*,
15 the educational liaison shall be affiliated with the local foster
16 children services program. The *educational* liaison shall do all of
17 the following:

18 (1) Ensure and facilitate the proper educational placement,
19 enrollment in school, and checkout from school of foster children.

20 (2) Assist foster children when transferring from one school to
21 another or from one school district to another in ensuring proper
22 transfer of credits, records, and grades.

23 (c) This section does not grant authority to the educational
24 liaison that supersedes the authority granted under state and federal
25 law to a parent or *legal* guardian retaining educational rights, a
26 responsible adult appointed by the court to represent the child

1 pursuant to Section 361 or 726 of the Welfare and Institutions
2 Code, a surrogate parent, or a foster parent exercising the authority
3 granted under Section 56055. The role of the educational liaison
4 is advisory with respect to placement decisions and determination
5 of school of origin.

6 (d) (1) At the initial detention or placement, or any subsequent
7 change in placement of a foster child, the local educational agency
8 serving the foster child shall allow the foster child to continue his
9 or her education in the school of origin for the duration of the
10 jurisdiction of the court.

11 (2) If the jurisdiction of the court is terminated ~~prior to the end~~
12 ~~of an academic year,~~ the *local educational agency shall allow a*
13 *former foster child shall be allowed who is in high school to*
14 *continue his or her education in the school of origin through the*
15 *duration of the academic school year graduation.*

16 (3) To ensure that the foster child has the benefit of matriculating
17 with his or her peers in accordance with the established feeder
18 patterns of school districts, if the foster child is transitioning
19 between school grade levels, the local educational agency shall
20 allow the foster child to continue in the school district of origin in
21 the same attendance area, or, if the foster child is transitioning to
22 a middle school or high school, and the school designated for
23 matriculation is in another school district, to the school designated
24 for matriculation in that school district.

25 (4) Paragraphs (2) and (3) ~~shall not be construed to do not~~
26 ~~require a school district to provide transportation services to allow~~
27 ~~a foster child to attend a school or school district, unless otherwise~~
28 ~~required under federal law, nor shall this paragraph be construed~~
29 ~~to. This paragraph does not prohibit a school district from, at its~~
30 ~~discretion, providing transportation services to allow a foster child~~
31 ~~to attend a school or school district.~~

32 (5) The *educational liaison*, in consultation with and with the
33 agreement of the foster child and the person holding the right to
34 make educational decisions for the foster child, may *recommend*,
35 in accordance with the foster child's best interests, ~~recommend~~
36 that the foster child's right to attend the school of origin be waived
37 and the foster child be enrolled in any public school that pupils
38 living in the attendance area in which the foster child resides are
39 eligible to attend.

1 (6) ~~Prior to~~ *Before* making ~~any~~ a recommendation to move a
2 foster child from his or her school of origin, the *educational* liaison
3 shall provide the foster child and the person holding the right to
4 make educational decisions for the foster child with a written
5 explanation stating the basis for the recommendation and how ~~this~~
6 *the* recommendation serves the foster child's best interest.

7 (7) (A) If the *educational* liaison in consultation with the foster
8 child and the person holding the right to make educational decisions
9 for the foster child agree that the best interests of the foster child
10 would best be served by his or her transfer to a school other than
11 the school of origin, the foster child shall immediately be enrolled
12 in the new school.

13 (B) The new school shall immediately enroll the foster child
14 even if the foster child has outstanding fees, fines, textbooks, or
15 other items or moneys due to the school last attended or is unable
16 to produce clothing or records normally required for enrollment,
17 such as previous academic records, medical records, including,
18 but not limited to, records or other proof of immunization history
19 pursuant to Chapter 1 (commencing with Section 120325) of Part
20 2 of Division 105 of the Health and Safety Code, proof of
21 residency, other documentation, or school uniforms.

22 (C) ~~The~~ *Within two business days of the foster child's request*
23 *for enrollment, the educational liaison for the new school shall;*
24 ~~within two business days of the foster child's request for~~
25 ~~enrollment;~~ contact the school last attended by the foster child to
26 obtain all academic and other records. ~~All~~ *The last school attended*
27 *by the foster child shall provide all required records—shall be*
28 ~~provided~~ to the new school regardless of any outstanding fees,
29 fines, textbooks, or other items or moneys owed to the school last
30 attended. ~~The school~~ *educational* liaison for the school last attended
31 shall provide all records to the new school within two business
32 days of receiving the request.

33 (8) If a dispute arises regarding the request of a foster child to
34 remain in the school of origin, the foster child has the right to
35 remain in the school of origin pending resolution of the dispute.
36 The dispute shall be resolved in accordance with the existing
37 dispute resolution process available to any pupil served by the
38 local educational agency.

39 (9) The local educational agency and the county placing agency
40 are encouraged to collaborate to ensure maximum utilization of

1 available federal moneys, explore public-private partnerships, and
2 access any other funding sources to promote the well-being of
3 foster children through educational stability.

4 (10) It is the intent of the Legislature that this subdivision shall
5 not supersede or exceed other laws governing special education
6 services for eligible foster children.

7 (e) For purposes of this section, “school of origin” means the
8 school that the foster child attended when permanently housed or
9 the school in which the foster child was last enrolled. If the school
10 the foster child attended when permanently housed is different
11 from the school in which the foster child was last enrolled, or if
12 there is some other school that the foster child attended with which
13 the foster child is connected and that the foster child attended
14 within the immediately preceding 15 months, the *educational*
15 liaison, in consultation with and with the agreement of the foster
16 child and the person holding the right to make educational decisions
17 for the foster child, shall determine, in the best interests of the
18 foster child, the school that shall be deemed the school of origin.

19 (f) This section does not supersede other law governing the
20 educational placements in juvenile court schools, as described in
21 Section 48645.1, by the juvenile court under Section 602 of the
22 Welfare and Institutions Code.

23 *SEC. 2. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. Section 48853.5 of the Education Code is~~
29 ~~amended to read:~~

30 ~~48853.5. (a) This section applies to a foster child or a former~~
31 ~~foster child. For purposes of this section, “foster child” means a~~
32 ~~child who has been removed from his or her home pursuant to~~
33 ~~Section 309 of the Welfare and Institutions Code, is the subject of~~
34 ~~a petition filed under Section 300 or 602 of the Welfare and~~
35 ~~Institutions Code, or has been removed from his or her home and~~
36 ~~is the subject of a petition filed under Section 300 or 602 of the~~
37 ~~Welfare and Institutions Code.~~

38 ~~(b) Each local educational agency shall designate a staff person~~
39 ~~as the educational liaison for foster children. In a school district~~
40 ~~that operates a foster children services program pursuant to Chapter~~

~~11.3 (commencing with Section 42920) of Part 24 of Division 3, the educational liaison shall be affiliated with the local foster children services program. The liaison shall do all of the following:~~

~~(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.~~

~~(2) Assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and grades.~~

~~(e) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin.~~

~~(d) (1) At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court.~~

~~(2) If the jurisdiction of the court is terminated, the local educational agency shall allow the former foster child to continue his or her education in the school of origin through the end of the highest grade maintained at that school.~~

~~(3) To ensure that the foster child or former foster child has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, if the foster child or former foster child is transitioning between school grade levels, the local educational agency shall allow the foster child or former foster child to continue in the school district of origin in the same attendance area, or, if the foster child or former foster child is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, to the school designated for matriculation in that school district.~~

~~(4) Paragraphs (2) and (3) do not require a school district to provide transportation services to allow a foster child or former foster child to attend a school or school district, unless otherwise required under federal law,. This paragraph does not prohibit a~~

1 ~~school district from, at its discretion, providing transportation~~
2 ~~services to allow a foster child or former foster child to attend a~~
3 ~~school or school district.~~

4 ~~(5) The liaison, in consultation with and with the agreement of~~
5 ~~the foster child and the person holding the right to make~~
6 ~~educational decisions for the foster child, may recommend, in~~
7 ~~accordance with the foster child's best interests, that the foster~~
8 ~~child's right to attend the school of origin be waived and the foster~~
9 ~~child be enrolled in any public school that pupils living in the~~
10 ~~attendance area in which the foster child resides are eligible to~~
11 ~~attend.~~

12 ~~(6) Before making any recommendation to move a foster child~~
13 ~~from his or her school of origin, the liaison shall provide the foster~~
14 ~~child and the person holding the right to make educational decisions~~
15 ~~for the foster child with a written explanation stating the basis for~~
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17 ~~foster child's best interest.~~

18 ~~(7) (A) If the liaison in consultation with the foster child and~~
19 ~~the person holding the right to make educational decisions for the~~
20 ~~foster child agree that the best interests of the foster child would~~
21 ~~best be served by his or her transfer to a school other than the~~
22 ~~school of origin, the foster child shall immediately be enrolled in~~
23 ~~the new school.~~

24 ~~(B) The new school shall immediately enroll the foster child~~
25 ~~even if the foster child has outstanding fees, fines, textbooks, or~~
26 ~~other items or moneys due to the school last attended or is unable~~
27 ~~to produce clothing or records normally required for enrollment,~~
28 ~~such as previous academic records, medical records, including,~~
29 ~~but not limited to, records or other proof of immunization history~~
30 ~~pursuant to Chapter 1 (commencing with Section 120325) of Part~~
31 ~~2 of Division 105 of the Health and Safety Code, proof of~~
32 ~~residency, other documentation, or school uniforms.~~

33 ~~(C) Within two business days of the foster child's request for~~
34 ~~enrollment, the liaison for the new school shall contact the school~~
35 ~~last attended by the foster child to obtain all academic and other~~
36 ~~records. The last school attended by the foster child shall provide~~
37 ~~all required records to the new school regardless of any outstanding~~
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2 receiving the request.

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4 ~~former foster child to remain in the school of origin, the foster~~
5 ~~child or former foster child has the right to remain in the school~~
6 ~~of origin pending resolution of the dispute. The dispute shall be~~
7 ~~resolved in accordance with the existing dispute resolution process~~
8 ~~available to any pupil served by the local educational agency.~~

9 ~~(9) The local educational agency and the county placing agency~~
10 ~~are encouraged to collaborate to ensure maximum utilization of~~
11 ~~available federal moneys, explore public-private partnerships, and~~
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13 ~~foster children through educational stability.~~

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15 ~~not supersede or exceed other laws governing special education~~
16 ~~services for eligible foster children.~~

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22 ~~there is some other school that the foster child attended with which~~
23 ~~the foster child is connected and that the foster child attended~~
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25 ~~consultation with and with the agreement of the foster child and~~
26 ~~the person holding the right to make educational decisions for the~~
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32 ~~Welfare and Institutions Code.~~

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